

Noise Ordinance Task Force Meeting

July 27, 2021

Call to Order

Meeting of Noise Ordinance Task Force held at 1901 S. Alamo, Room A & B and WebEx was called to order at 2:15 p.m. by Facilitator Michael Uresti.

Roll Call by Supervisor Arturo Arredondo. Those in attendance include:

Members

Gemma Kennedy
Dr. Vanessa Sansone
Patricia Garcia Duarte
Colleen Waguespack
Sam Aguirre
John Brenneman
Jodie Bailey-Newman
Marta Solomon
Amin Tohmaz
Savita Rai

Non-Members

Michael Uresti
Michael Shannon
Arturo Arredondo
Denise Hastings
Ashley Dacy
Anisa Schell
Bianca Maldonado
Parker Dixon
Beau Anderson

Facilitator Michael Uresti began meeting by reiterating the rules of the task force. He presented a draft of the noise ordinance for task force discussion beginning with the hours and other options task force members have submitted. Also, SAPD is currently working on data to present to the task force.

Jodie Bailey-Newman – asked question that if there is a business already in operation, would they be subject to changing their business hours and what would be the legality of that.

Michael U – responded that this meeting is about maybe changing the hours of enforcement of the noise ordinance, not changing peoples' business hours.

Jodie B-N – a for instance would be the Spurs being in the NBA finals and the game is being played on the westcoast; the sound could normally be left on until

11:00 pm, but if it gets changed to 10:00 pm., would the business be required to shut down.

Michael U – If the ordinance is changed to say that then the business will have to adhere to the change.

Jodie B-N – The hours will certainly have to be discussed because businesses will lose revenue because of that.

Michael U – We are trying to listen to all sides to get an idea of what to allow. The ordinance will be for everyone, not pro-business or pro-community. With that being said is 11:00 pm good?

Jodie B-N – It is good as it stands right now. Overall it works. Most businesses contact the neighbors if there is going to be an event or the council district office and inform that they will be having an event that will have amplified music later than time allowed. SAPD is okay with it.

Sam Aguirre – Want to make is clear that this is more than isolated incidents; this is a public health and safety issue. Would like to strongly suggest a 10:00 pm cut-off. Not opposed to some sort of permit that would allow exception to that, but not for every weekend of the year

Josie B-N – Right now, you cannot apply for a permit, but you can seek approval from the Council Office for your address, whether you are a neighborhood association putting together an event a park or any type of community event that is going to go longer than 10 or 11 o'clock. This is not through SAPD; they are just notified of it. It is approved by the Council Office.

Question was asked how often do businesses have amplified sound past 10:00 on the weekends?

Jodie B-N – A lot of businesses are under the current ordinance. Maybe there should be a mechanism where those businesses are grandfathered

Anisa – We are trying to balance quality of life with good business practices

Jodie B- N - A long term solution is for neighbors to get together to have a solution, not lump everyone together as bad actors.

Savita – The only establishments legally grandfathered are those in existence prior to ordinance being passed.

Sam – Bad actors affect a larger group of people. This is a health and safety ordinance. Good actors should have no cause for concern

Jodie – Anything that further restricts businesses is not acceptable

Solomon – A system that rewards good actors should be created as well as consequences for bad actors.

Sam – not opposed to a permit system for special exceptions

Jodie – If not able to enforce when infraction is happening how are bad actors going to be accountable. False noise complaints are called in. It would be great if someone could immediately come out and determine if there is an infraction. It comes down to enforcement

Gemma – The ordinance should be user friendly and easily enforceable

Jodie – 80% of noise complaints are from homes

Gemma – Understandable, but this is for businesses. The task force is to focus on businesses.

Anisa – what is the process to get a permit and who gives the permit

John – You email the neighborhood association and notify the SAPD. It is not a permit. It is a letter from the council office that can be given to SAPD

Michael Shannon – We are not aware of exception approvals. More research is needed on this process.

Solomon – What is okay in decibels. Research says at about 70 decibels you may be annoyed and that is allowed. A refrigerator is at 40 decibels and an air-conditioner hum is 60 decibels. It is not acceptable to be annoyed. 65 decibels should be the allowed.

Savita – Decibels levels are the national standards. We have to stick to the national standards unless it could be justified in court. The supreme court has said reasonable standard.

Michael U – The next section talks about nuisance and noise levels. Options/suggestions from task force are in red on the draft.

Amin – Skip the sound level section until Legal reviews the national standards

John – What is “unlawful and in violation” in Section 21-52 (a) (1)

Savita – Section 21-52 is general noise enforcement provision when we do not have decibels levels. Citizens can file. Most noise prosecution cases are under this section. Do not need decibel levels to prosecute a case. Citizen must be willing to come to court. Citizen has to file a report with SAPD.

Dr. Sansone -What would hold up in a court of law.

Savita – The way the ordinance is written now, it is a little confusing. Legal will work on the formatting

Solomon – Section 9, 10, 11 of 21-52 are quoting actual decibels. Concerned with #12 which allows 85 decibels in entertainment zones. 85 is too high.

Michael S – That number is for Entertainment Zones like Fiesta Texas. There are not that many Entertainment Zones

Solomon – Lives near Morgen’s Wonderland and fireworks are often and that is not acceptable

Michael S - There is a fireworks ordinance. We will check if Morgen’s is in an Entertainment District

Amin – We will get the definition of an Entertainment Zone and share with the task force

Gemma – Police do not have access to zoning and are told that a business is in an entertainment zone and can be at 85 decibels, so they do not enforce ordinance

Michael S – We will get a map to highlight the entertainment zones or districts and clarify what is allowed and what is an entertainment zone.

Anisa – Make sure SAPD has this information as well. Businesses are presently allowed to operate at higher decibels because they believe they are in an entertainment zone.

Michael U – Section 12 (b) special noise; it was suggested to scrap this section since it is not very legible. We can redo section and simplify the table

Sam -Residents should have the same standards as the Riverwalk

Gemma – The Riverwalk has a more thorough standard because they enforce noise and vibrations. The Riverwalk is at 72 decibels.

John – Vibration enforcement is important because vibrations penetrate. Police officers have come out and said there is no vibration because they view has being jack hammers on the street.

Michael U – The section needs to be more objective

Savita – The way the section is written is objective. Citizens must be willing to testify. It would take the testimony of the complainant to talk about the vibration to the judge. The ordinance is written objectively. Would use the common law Oxford Dictionary definition for vibration and add to ordinance

Beau Anderson – SAPD needs to know about enforcement of vibrations.

Jodie – Part of their job is to use training and knowledge. Just because a call is made does not mean a citation is warranted,

Margaret Leeds – Several case numbers are given but no citations are issued. SAPD does not have decibel meters on hand. It is almost impossible to enforce present code.

Savita – A lot can be added once there is a clear understanding of what is required for enforcement. If some officers are saying they need decibel levels, that is not true under 21-52.

Jodie – Would like an explanation of 21-52. An officer will write a report and then there is a demand to have a decibel reading. So, then the officer has to get the noise meter. Information needs to be put out that decibel readings are not required.

Amin – According to legal, it can be enforced without a reading, but with a meter it is easier. Most police officers do not all have accessibility to meters. Can an app be placed on the City phone? One has been used on personal phone and it was only off by one or two decibels.

Savita – A citizen can use the app, but if it is used as evidence in a case the phone would have to be turned over. If it is an official city app, that would have to be explored.

Savita - addressed Vanessa: the process of prosecution was not discussed, but Felix can put the process in writing to share at next meeting.

Parker Dixon – lives in Tobin Hill. Had an issued this past weekend where police officer showed up and was under the impression that the area was an entertainment zone. Part of the issue is that things are too hard to read, and people in enforcement are not being educated on what is an entertainment zone. Another problem is not the occasional noise complaint, it is businesses operating Thursday through Sunday with outdoor music

Bianca Maldonado – would like to address the letter issued to business owner by the council member allowing them to circumvent the process for exception to noise. Her understanding is that no council member can take action of that type action. Reiterated the lack of education of SAPD officer on enforcement of ordinance.

Ashley Dacy – What is the process for enforcing noise

Savita – Citizen will go to SAPD to fill out offense report and forward to prosecutor's office. Prosecutor will review the report. If all elements are met, the complaint is filed with Municipal Court and a date is set. The citizen will need to come in a testify as to the noise and provide details of continuous annoying noise.

Michael U – Task Force meetings will be every two weeks. Citizen meeting will be from 6:30 to 7:30 pm via WebEx on August 17 and 31, 2021.

Meeting adjourned at 4:11 pm

